

REMARKS

Claims 1 - 14 are pending in this application. No claim amendments have been made. Applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **July 1, 2002**.

Allowable Claim Subject Matter:

Applicant gratefully acknowledges the indication in item 6 of the Office Action that claim 7 would be allowable, if amended, to include all of the limitations of the base claim and any intervening claims. However, for at least the reasons outlined below, applicant respectfully asserts that all of claims 1 - 14 are allowable.

Title of the Invention:

The title of the invention has been objected to for being non-descriptive of the applicant's claimed invention. The applicant respectfully requests reconsideration of this objection.

As indicated above, the title of the invention has been amended, in its entirety, so as to read as follow: SEMICONDUCTOR DEVICE HAVING AN OVERHANGING STRUCTURE AND METHOD FOR FABRICATING THE SAME.

It is believed that such amended title of the invention is now descriptive of the claimed invention.

In view of the above, the applicant respectfully requests that the title of the invention, as submitted herewith, be approved by the Examiner, and that the outstanding objection to the title be withdrawn.

Drawings:

Item 2 of the Office Action indicates that Figures 1A, 1B, 2, 3, and 12 must be labeled as "Prior Art". A Request for Approval of Drawing Corrections is attached with corrected Figures 1A, 1B, 2, 3, and 12. Applicant respectfully requests approval of the corrections.

As To The Merits:

As to the merits of this case, the Examiner sets forth the following rejections:

1) claims 1, 2, 6 and 8 - 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Harada et al. (U.S. Patent No. 5,557,141); and

2) claims 3 - 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harada, et al. in view of Kimura, et al. (U.S. Patent No. 6,392,278).

Both of these rejections are respectfully traversed.

curve { In the present invention, the main claims are presented by claims 1 and 10, whose significant structural arrangements are to form an electrode at an interval from a protective film covering a surface of an overhanging structure on a semiconductor substrate (semiconductor layer).

Contrastingly in Harada, as shown in Fig. 21(f), the SiN film 24 and the electrode 28 are formed next to each other. This structure of Harada is almost the same structure illustrated in Fig. 12 of the present invention, which is shown to indicate the prior art, and is different from the structure of the present invention completely.

Thus, for at least these reasons, it is respectfully asserted that the prior art fails to teach or suggest recitations of claims 1 - 14, and request that the Examiner allow these claims, along with the entire application, to issue. Accordingly, withdrawal of the rejection of claims 1 - 6 and 8 - 14 under 35 U.S.C. §102 and §103 is respectfully solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Thomas E. Brown
Attorney for Applicant
Reg. No. 44,450

TEB/kal
Atty. Docket No. 020300
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Request for Approval of Drawing Corrections w/Figs 1 - 3 and 12 marked in red ink